

T. Proclamation^{selections of} of 1863
 A.W.
 Gov^r Bradford
 Nov 2nd 1863.

5
 11
 12

1 Rare

121



State of Maryland,

Executive Department,

Annapolis, Nov. 2d, 1863.

PROCLAMATION BY THE GOVERNOR.

To the Citizens of the State and more especially the Judges of Election:

A Military Order issued from the Head Quarters of the "Middle Department," bearing date the 27th ult. printed and circulated, as it is said, through the State, though never yet published here, and designed to operate on the approaching Election, has just been brought to my attention, and is of such a character and issued under such circumstances as to demand notice at my hands.

This Order reciting, "that there are many evil disposed persons now at large in the State of Maryland, who have been engaged in rebellion against the lawful Government, or have given aid and comfort, or encouragement to others so engaged, or who do not recognize their allegiance to the United States, and who may avail themselves of the indulgence of the authority which tolerates their presence, to embarrass the approaching Election, or through it to foist enemies of the United States into power," proceeds among other things to direct "all Provost Marshals and other Military Officers, to arrest all such persons found at or hanging about, or approaching any Poll or Place of Election, on the 4th of November, 1863, and report such arrest to these Head Quarters."

This extraordinary Order has not only been issued without any notice to, or consultation with the Constituted Authorities of the State, but at a time and under circumstances when the condition of the State, and the character of the Candidates are such as to preclude the idea that the result of that Election can in any way endanger either the safety of the Government, or the peace of the community.

It is a well known fact that, with perhaps one single exception, there is not a Congressional Candidate in the State whose loyalty is even of a questionable character, and in not a County of the State outside of the same Congressional District is there, I believe, a Candidate for the Legislature or any State office, whose loyalty is not equally undoubted. In the face of this well known condition of things, the several classes of persons above enumerated are not only to be arrested *at* but "*approaching any poll or place of election.*" And who is to judge whether voters thus on their way to the place of voting have given "*aid, comfort, or encouragement*" to persons engaged in the rebellion, or that they "do not recognize their allegiance to the United States," and may avail themselves of their presence at the polls "*to foist enemies of the United States into power?*" As I have already said, in a very large majority of the Counties of the State there are not to be found among the Candidates any such "enemies of the United States," but the Provost Mar-

shals—created for a very different purpose—and the other military officials who are thus ordered to arrest approaching voters are necessarily made by the order the sole and exclusive judges of who fall within the proscribed category: an extent of arbitrary discretion, under any circumstances the most odious and more especially offensive and dangerous in view of the known fact that two at least of the five Provost Marshals of the State are themselves Candidates for important offices, and sundry of their deputies for others.

This Military order, therefore, is not only without justification when looking to the character of the Candidates before the people, and rendered still more obnoxious by the means appointed for its execution, but is equally offensive to the sensibilities of the people themselves and the authorities of the State looking to the repeated proofs they have furnished of an unalterable devotion to the Government. For more than two years past there has never been a time when, if every traitor and every treasonable sympathiser in the State had voted, they could have controlled, whoever might have been their Candidates, a single Department of the State or jeopardized the success of the General Government. No State in the Union has been or is now actuated by more heartfelt or unwavering loyalty than Maryland—a loyalty intensified and purified by the ordeal through which it has passed; and yet looking to what has lately transpired elsewhere and to the terms and character of this Military order, one would think that in Maryland and nowhere else is the Government endangered by the “many evil disposed persons that are now at large.”

Within less than a month the most important Elections have taken place in two of the largest States of the Union; in each of them Candidates were before the people, charged by the particular friends of the Government, with being hostile to its interests, and whose election was deprecated as fraught with the most dangerous consequences to its success. One of the most prominent of these Candidates, was considered so dangerously inimical to the triumph of the National cause, that he has been for months past banished from the Country, and yet hundreds of thousands of voters were allowed to approach the polls, and to attempt “to foist” such men into power, and no Provost Marshals or other Military Officers, were ordered to arrest them on the way, or so far as we have ever heard, even test their allegiance by any oath.

With these facts before us, it is difficult to believe that the suggestion that the enemies of the United States may be foisted into power at our coming Election, was the consideration that prompted this order; but whatever may have been that motive, I feel it to be my duty to solemnly protest against such an intervention with the privileges of the Ballot Box, and so offensive a discrimination against the rights of a loyal State.

I avail myself of the occasion to call to the particular attention of the Judges of Election, the fact that they are on the day of Election clothed with all the authority of Conservators of the Peace, and may summon to their aid any of the Executive Officers of the County, and the whole power of the County itself to preserve order at the Polls and secure the Constitutional rights of the voters.

It is also made their "special duty" to give information to the States' Attorney for the County, of all infractions of the State laws on the subject of Elections, and by these laws, it is forbidden to any "Commissioned or Non-Commissioned Officers, having command of any soldier or soldiers quartered or posted in any district of any County of the State, to muster or embody any of said troops, or march any recruiting party within the view of any place of Election during the time of holding said Election."

I need not, I am sure, remind them of the terms of the oath they are required to take before entering upon their duties, and according to which they swear "to permit all persons to vote who shall offer to poll at the election, &c. who in *their judgment shall, according to the directions contained in the Constitution and Laws, be entitled to poll at the same election*, and not to permit any person to poll at the same election who is not in (their) judgment qualified to vote as aforesaid."

It is the *judgment of the Judges of Election* alone, founded upon the provisions of the Constitution and Laws of the State, that must determine the right to vote of any person offering himself for that purpose. I trust and believe that they will form that judgment, and discharge their duty, as their conscientious convictions of its requirements, under the solemn obligations they assume shall dictate, undeterred by any order to Provost Marshals to report them to "Head Quarters."

Whatever power the State possesses, shall be exerted to protect them for any thing done in the proper execution of its laws.

Since writing the above, I have seen a copy of the President's letter to the Chairman of the Union State Central Committee, bearing the same date with the order, and evidently showing, that the order was unknown to him, that it would not have been approved by him, if he had known it, and that it is therefore all the more reprehensible.

A. W. BRADFORD.

By the Governor :

WM. B. HILL,
Secretary of State.

After the above was in print, at three o'clock, this afternoon, I received from the President the following dispatch :

"I revoke the first of the three propositions in General Schenck's General Order, No. 53, not that it is wrong in principle, but because the Military being of necessity exclusive judge, as to who shall be arrested, the provision is liable to abuse ; for the revoked part I substitute the following :

"That all Provost Marshals and other Military Officers, do prevent all disturbance and violence at or about the Polls, whether offered by such persons as above described, or by any other person or persons whomsoever ; the other two propositions I allow to stand ; my letter at length will reach you to-night.

A. LINCOLN."

Whilst this modification revokes the authority of the Provost Marshals and Military Officers, to arrest the classes of persons enumerated in the preamble to the order "found at or hanging about, or approaching any Poll or place of Election," it directs them to prevent all violence or disturbance about the Polls, &c.

To meet such disturbances, the Judges of Election, as I have already stated, are clothed with ample powers, and I had received no previous intimation that there was any reason to apprehend a disturbance of any kind at the Polls, on the day of Election. In the absence of any Military display, there would certainly seem to be as little cause for such apprehensions as ever before existed. A preparation by the Government by Military means, to provide for such a contingency, will be quite as likely to provoke as to subdue such a disposition. Not only so, but the Military thus required to prevent violence or disturbance about the Polls, must necessarily be empowered to arrest the parties they may charge with such disorder, and they are still left in effect "the exclusive Judges, as to who shall be arrested"—a power they may as readily abuse as any other.

I regret, therefore, that I can perceive no such change in the general principles of the order as to induce me to change the foregoing Proclamation.

A. W. BRADFORD.

BALTIMORE, *Monday Evening, November, 2, 1863.*

That the first order and the modification of the President in its first paragraph may be better understood the entire order as originally issued is subjoined.

GENERAL ORDERS, No. 53.

HEAD QUARTERS, MIDDLE DEPARTMENT, 8TH ARMY CORPS.

BALTIMORE, MD. October 27th, 1863.

It is known that there are many evil disposed persons, now at large in the State of Maryland, who have been engaged in rebellion against the lawful government, or have given aid and comfort or encouragement to others so engaged, or who do not recognize their allegiance to the United States, and who may avail themselves of the indulgence of the authority which tolerates their presence to embarrass the approaching election, or through it, to foist enemies of the United States into power. It is therefore ordered:

I. That all Provost Marshals and other military officers do arrest all such persons found at, or hanging about, or approaching any poll or place of election on the 4th of November, 1863, and report such arrest to these Head Quarters.

II. That all Provost Marshals and other military officers commanding in Maryland, shall support the Judges of Election on the 4th of November, 1863, in requiring an oath of allegiance to the United States, as the test of citizenship of any one whose vote may be challenged on the ground that he is not loyal or does not admit his allegiance to the United States, which oath shall be in the following form and terms:

I do solemnly swear that I will support, protect and defend the Constitution and Government of the United States against all enemies, whether domestic or foreign; that I hereby pledge my allegiance, faith and loyalty to the same, any ordinance, resolution, or law, of any State Convention, or State Legislature, to the contrary notwithstanding; that I will at all times yield a hearty and willing obedience to the said Constitution and Government, and will not, either directly or indirectly, do any act in hostility to the same, either by taking up arms against them, or aiding, abetting, or countenancing those in arms against them; that, without permission from the lawful authority, I will have no communication, direct or indirect, with the States in insurrection against the United States, or with either of them, or with any person or persons within said insurrectionary States; and that I will in all things deport myself as a good and loyal citizen of the United States. This I do in good faith, with full determination, pledge, and purpose to keep this, my sworn, obligation, and without any mental reservation or evasion whatsoever.

III. Provost Marshals and other military officers are directed to report to these Head-Quarters any Judge of an election who shall refuse his aid in carrying out this order, or who, on challenge of a vote being made on the ground of disloyalty or hostility to the Government, shall refuse to require the oath of allegiance from such voter.

By order,

MAJ. GEN. SCHENCK.

W. H. CHESEBROUGH, *Lt. Col. and A. A. G.*

OFFICIAL W. M. ESTÉ, *Maj. and Aide-de-Camp.*

三才